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FAX INFORMATION SHEET

Date: July 20, 2005
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Comments: ATTACHED IS A REQUEST FOR RECONSIDERATION OF DECISION ON PETITION FOR UNINTENTIONALLY DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. §1.78(A) FOR SERIAL NO. 10/078,622

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Coversheet Page 1 of 1

PAGE 1/5 * RCVD AT 7/20/2005 5:02:30 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6/24 * DNIS:2738300 * CSID:412 454 5000 * DURATION (mm-ss):01-12

Attorney Docket No. 126381.00901

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Wolfgang Daum et al.
Application No. : 10/078,622
Filing Date : February 19, 2002
Group Art Unit : 3731
Confirmation No. : 5614
Examiner : Glenn K. Dawson

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For: **STENT AND METHOD FOR DRUG DELIVERY FROM STENTS**

Mail Stop Petition
Commissioner for Patents
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**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION FOR UNINTENTIONALLY
DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. §1.78(A)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Applicants are in receipt of the Decision Dismissing Petition under 37 CFR §1.78(a)(3). Applicants had requested by Petition filed May 17, 2005, that the above-referenced application be accorded a claim of priority to U.S. Non-Provisional Application No. 10/044,475 filed January 10, 2002, now U.S. Patent No. 6,786,904 issued September 7, 2004. The Petition was dismissed for failure to supply the reference as required by 35 U.S.C. §120 and for failure to indicate the relationship of the prior filed application as required by 37 CFR §1.78(a)(2)(i). Applicant respectfully requests reconsideration of the subject Petition and submits the following:

1. With respect to the relationship of the applications, Wolfgang Daum is a common inventor in both Application Serial No. 10/078,622 and U.S. Patent No. 6,786,904. In

Attorney Docket No. 126381.00901

1. With respect to the relationship of the applications, Wolfgang Daum is a common inventor in both Application Serial No. 10/078,622 and U.S. Patent No. 6,786,904. In addition, Application Serial No. 10/078,622 is a continuation in part of U.S. Patent No. 6,786,904.

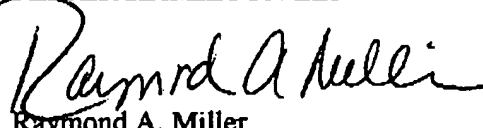
2. Applicants have submitted a revised Applicant Data Sheet which clarifies the relationship between the applications and further clarifies the priority claim to U.S. Provisional Application No. 60/273,850 and further to U.S. Non-Provisional Application No. 10/044,475 filed January 10, 2002, now U.S. Patent No. 6,786,904 issued September 7, 2004.

In light of the above remarks and enclosures, Applicants respectfully request that the Petition for Unintentionally Delayed Claim of Priority under 37 C.F.R. §1.78(a) filed on May 17, 2005, be granted.

No fee is believed to be due for this submission as the Petition Fee was previously paid. The Commissioner is hereby authorized to charge any additional payment of fee or credit any overpayment or refund to Deposit Account No. 50-0436.

Respectfully submitted,

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